

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7591 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

TRIVEDI JITENDRA CHIMANLAL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR UA TRIVEDI for Petitioner

MS PROMILA SAFAYA for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 07/04/98

ORAL JUDGEMENT

Rule. Ld. Advocate Ms. Promila Safaya waives service of rule for the respondent. By consent of the learned advocates appearing for the parties, the petition is finally heard today.

2. The petitioner has approached this court with a prayer that the respondent be directed to make appropriate corrections in the date of birth of the

petitioner recorded in his passport bearing No. U554522. It has been submitted in the petition that his date of birth has been incorrectly recorded in his passport as 2.2.1954. It has been submitted by the petitioner in the petition that correct date of birth of the petitioner is 4.1.1954.

3. In pursuance of notice issued by this Court, Ld. Advocate Ms. Promila Safaya has appeared for the respondent and has submitted that before approaching this court, the petitioner had not given any application to respondent authority with a prayer that date of birth recorded in his passport be corrected as prayed for in the petition. Ld. Advocate Shri M.R. Shah appearing for the petitioner has submitted that the petitioner had approached an officer working under the respondent but his oral request with regard to making change in the passport was turned down and, therefore, the petitioner has been constrained to approach this Court with a prayer that his application for making appropriate correction/change in the date of birth recorded in his passport be entertained by the respondent.

4. In the passport issued to the petitioner his date of birth has been recorded as 2.2.1954. It has been submitted by the petitioner in the petition that his correct date of birth is 4.1.1954. The petitioner has relied upon an extract of birth/death register maintained by Aluva Gram Panchayat. As per an entry made in the relevant register, the date of birth of the petitioner has been recorded as 4.1.1954.

5. In the above-referred circumstances, it has been submitted by the petitioner's advocate that correct date of birth of the petitioner is 4.1.54 and that the correct date of birth should be recorded in the passport.

6. It appears that no written application has been given by the petitioner to the respondent authority for making an appropriate change in the date of birth recorded in his passport. So as to enable the respondent authority to consider the question with regard to making change in the passport, the petitioner shall give an application to the respondent and the respondent shall consider all relevant documents including the entries made in the register of births and deaths maintained by Aluva Gram Panchayat before taking final decision on the said application. I am sure that an appropriate decision will be taken by the respondent on the application which might be submitted by the petitioner without unreasonable delay.

7. In view of the above direction given to the respondent, the petition is allowed. Rule is made absolute to the above extent with no order as to costs. Direct service is permitted.
